

**REMARKS**

The Examiner's Action mailed on September 5, 2007, has been received and its contents carefully considered. Additionally attached to this Amendment is a Request for a Continued Examination, together with the requisite fee.

In this Amendment, Applicants have editorially amended the specification, and amended independent claim 1. Claims 1, 16 and 17 are the independent claims, and claims 1-20 remain pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

Initially, Applicants would like to take this opportunity to thank the Examiner for the indication that claims 16, 17, and 20 are allowed, and the subject matter of claim 7 is allowable over the art of record. However, because it is submitted that independent claim 1 is also patentably distinguishable over the cited references, for reasons which will be subsequently discussed, claim 7 has not been amended into independent form at this time.

The Examiner has objected to the specification for not providing antecedent basis for the subject matter recited in claim 1. In response, the specification has been amended to include such subject matter, and it is therefore requested that this objection be withdrawn.

The Examiner has also rejected claims 1-20 as being indefinite. In response, claim 1 has been amended in a manner that is believed to comply with all official provisions. Further, since the specification now provides explicit antecedent basis for the claimed subject matter, and since claim 1, as amended, complies with the provisions of 35 U.S.C, Section 112, it is requested that this rejection be withdrawn.

The Examiner has rejected claims 1-6, 8-15, 18 and 19 as being either anticipated by or otherwise rendered obvious in view of *Grafenstein*, either taken alone, or in combination with either *Harkrader et al.* or *White*. It is submitted that Applicants' independent claim 1, and the claims dependent therefrom, are *prima facie* patentably distinguishable over the cited references for at least the following reasons.

Applicants' independent claim 1 has been amended to recite that the cylindrical main body is formed as a single-walled cylinder, with the column hole cover being free of other cylinders inside of the cylindrical main body. In contrast, the column hole cover of *Grafenstein* includes double cylinders. That is, the end portion 7 of the seal is folded inwardly and downwardly, and then fit into an annular groove 9 to form a hollow bead 5. As a result, the resulting configuration has double cylinders, that is, a first cylinder defined by the inside wall of the hollow bead 5, and a second cylinder formed by the outside wall of the hollow bead 5. This configuration thus would be difficult to form, since the end 7 needs to be fit within the groove 9. Moreover, if an excessive load were exerted on the bead 5, the end portion 7 could be forced out of the annular groove 7, resulting in a failure of the sealing function. In contrast, Applicants' claimed invention comprises a single-walled cylinder, which facilitates production of the seal. Moreover, Applicants' claimed invention will not fail in the same manner as discussed above with respect to the cited reference.

The Examiner's Action notes that the language of original claim 1 did not exclude a second cylinder. However, Applicants submit claim 1 now does preclude such a second cylinder, by stating that the column hole cover is free of

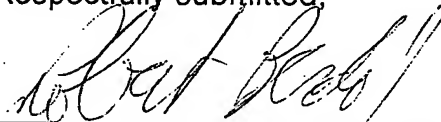
other cylinders inside of the cylindrical main body. In particular, assuming that the outside wall of *Grafenstein* comprises a cylinder, as recited by Applicants' claimed invention, this cylinder has another cylinder therein which is defined by the inside wall of the hollow bead 5, which configuration is precluded by claim 1. Similarly, the other cited references fail to overcome the deficiencies of *Grafenstein*. As such, it is submitted that Applicants' independent claim 1, and the claims dependent therefrom, are *prima facie* patentably distinguishable over the cited references, either taken alone or in any reasonable combination. It is requested that independent claim 1, and the claims dependent therefrom, be allowed, and that these rejections be withdrawn.

It is submitted that this application is in condition for allowance. Such action, and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of this application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Should the remittance be accidentally missing or insufficient, the Director is hereby authorized to charge the fee to our Deposit Account No. 18-0002.

Respectfully submitted,



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December 4, 2007  
Date

RHB/vm

AMENDMENT

10/828,503



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,503	04/21/2004	Hirohisa Suzuki	AI 338	4304
7590 02/25/2008				
RABIN & BERDO, P.C. Suite 500 1101 14th Street, N.W. Washington, DC 20005				
EXAMINER				
ART UNIT		PAPER NUMBER		



DATE MAILED: 02/25/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

by RM  
AI-338  
3/25/08

RECEIVED

BY:.....



**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/828,503

Examiner

Leonard J. McCreary, Jr.

Applicant(s)

SUZUKI ET AL.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 04 December 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
No amendments accompany the filed IDS and Request for Continued Examination.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Leonard McCreary, Jr./ 2/15/08

Legal Instruments Examiner (LIE), if applicable

Telephone No.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10828503	4/21/2004	SUZUKI ET AL.	AI 338

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**EXAMINER**

Leonard J.. McCreary, Jr.

**ART UNIT****PAPER**

3616

20080215

DATE MAILED:

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**Commissioner for Patents**

1. The timely submission under 37 CFR 1.129(a) filed on 4 December 2007 is not fully responsive to the prior Office action because amended claims or arguments do not accompany the IDS and RCE. Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

/Leonard McCreary, Jr./ 2/15/08

/Ruth Ilan/  
Primary Examiner, Art Unit 3616